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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/769,336

01/30/2004

Brian L. Helterline

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04/04/2006

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EXAMINER

MARTIN, LAURA E

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/769,336

Applicant(s)

HELTERLINE, BRIAN L.

Examiner

Laura E. Martin

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 44-47 is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/9/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 12, 13, 21, 22, 32, 33, 41, and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker (US 6312106).

Walker teaches a reservoir for a consumable substance (figure 2, element 16); a fill port (figure 2, element 32); a replaceable memory device for a container for a consumable substance, comprising: a body (figure 2, shown below), the body shaped to seal (figure 2, element 30) a fill port of a container (figure 2, element 32) for a consumable substance. (The body, as shown below, holds a memory, 38, as well as plugs the fill port originally used to fill container 16.) Walker also teaches a wireless electronic memory device integral with the body (column 5, lines 50-65). Walker also teaches the wireless memory device contained within the body (element 38 in figure 2 is within the body. In figure 3, element 38 contains a memory, element 54, which is integral within the body, column 4, line 49-55). Walker also teaches a replaceable memory device wherein the electronic memory device is externally attached to the body (figure 3, element 42).

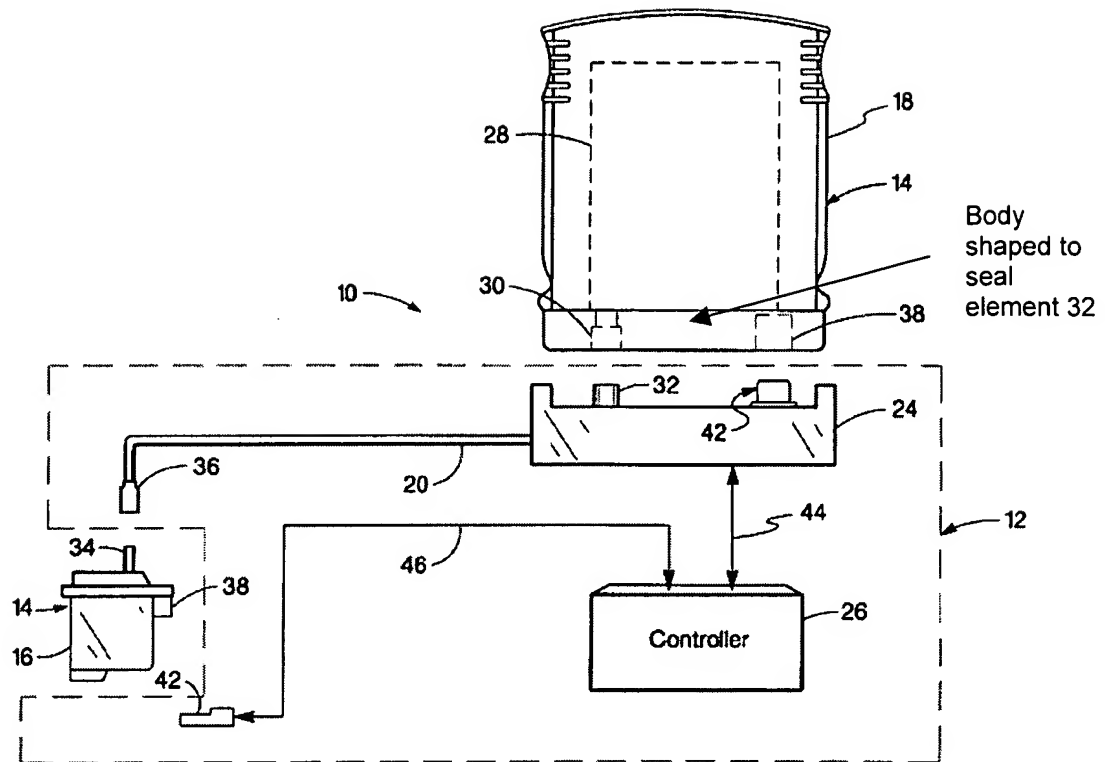


Fig. 2

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US 6312106) in view of Hmelar et al. (US 6183077).

Walker teaches the apparatus of claims 1 and 21; however, it does not teach the body having a round cross section or a trailing portion.

Hmelar et al. teaches a body (figure 2, element 102) having a substantially round cross section.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Walker with the disclosure of Hmelar in order to improve the quality of the ink cartridge and reduce leaking.

Claims 4, 7-9, 10, 14, 17-19, 24, 27-30, 34, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US 6312106) in view of Kosugi (US 6585345)

As per claims 4, 7-10, 24, and 27- 30, Walker teaches the apparatus of claims 1 and 21.

As per claims 14, 17-19, 34, and 37-39, Walker teaches a reservoir for a consumable substance (figure 2, element 16); a fill port (figure 2, element 32); a replaceable memory device for a container for a consumable substance, comprising: a body (figure 2, shown below), the body shaped to seal (figure 2, element 30) a fill port of a container (figure 2, element 32) for a consumable substance. (The body, as shown below, holds a memory, 38, as well as plugs the fill port originally used to fill container 16.) Walker also teaches a wireless electronic memory device integral with the body (column 5, lines 50-65). Walker also teaches a replaceable memory device wherein the electronic memory device is externally attached to the body (figure 3, element 42).

Walker does not teach a physical alignment feature, EEPROM, PROM, ROM, or antenna.

Kosugi teaches a body having a physical alignment feature (column 12, lines 23-25), an EEPROM (column 2, lines 26-29), PROM (part of EEPROM) and ROM (figure 3, element 51), and an antenna (column 8, lines 26-29).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosures of Walker and Kosugi et al. in order to improve printing quality.

Claims 5, 15, 25, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US 6312106) and Kosugi (US 6585345), and further in view of Trafton et al. (US 2003/0043243).

Walker and Kosugi teach the apparatus of claim 4, 14, 24, and 34; however, neither discloses a leading portion.

Trafton et al. discloses a body with a leading portion, comprising of an alignment feature on the elongation of the leading portion [0043].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Walker as modified with the disclosure of Trafton et al. in order to improve image quality.

Claims 6, 16, 26, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US 6312106) and Kosugi (US 6585345), and further in view of Hmelar (US 6183077).

Walker and Kosugi teach the apparatus of claims 4, 14, 24, and 34; however, neither discloses a body with a trailing portion and alignment feature.

Hmelar teaches a body with a trailing portion, and the physical alignment feature comprises at least one protuberance on the trailing portion.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Walker as modified with the disclosure of Hmelar in order to improve image quality.

Claims 11, 31, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US 6312106) in view of Haines et al. (US 6808255).

Walker teaches the apparatus of claims 1, 24, and 41; however, it does not teach a coil antenna formed on an integrated circuit chip.

Haines et al. teaches a wireless electronic memory device comprising electronic circuitry and a coil antenna formed on an integrated circuit chip (RFID figure 2, element 34; column 3, lines 33-42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Walker with the disclosure Haines et al. in order to improve the quality of the printing apparatus.

Claims 20 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US 6312106) and Kosugi (US 6585345), and further in view of Haines et al. (US 6808255).

Walker and Kosugi teach the apparatus of claims 14 and 34; however, neither teaches a coil antenna formed on an integrated circuit chip.

Haines et al. teaches a wireless electronic memory device comprising electronic circuitry and a coil antenna formed on an integrated circuit chip (RFID figure 2, element 34, column 3, lines 33-42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Walker as modified with the disclosure of Haines et al. in order to improve the quality of the printing apparatus.

Allowable Subject Matter

Claim 44 –47 are allowed. The prior art does not disclose or suggest the steps of “removing the first corking member from the fill port, and placing a second corking member in the fill port, the second corking member comprising a body shaped to seal the fill port, and an electronic memory device” as set forth in claims 44-47.

Response to Arguments


Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Martin whose telephone number is (571) 272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laura E. Martin

 3/24/06
MANISH S. SHAH
PRIMARY EXAMINER